



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES May 12, 1998

**Introduction and welcome of new Board members**

**Review of draft decision and endorsement of plans: Stearns Street (Malcolm Meadows) - Amendment to Special Permit for Senior Residential Open Space Community, Northwest Structures, Inc., applicant**

**Review of draft denial decision: Kimball Road, Lot 39 - Special Permit for Common Driveway (to serve Lots 28B, 39A, 40 and 41), Tall Pines Realty Trust, applicant**

**Discussion of strategy with regard to pending litigation, Valchuis et al. v Planning Board**

**Discussion of "informal conceptual plan" for subdivision of land located on Concord Street, Map 4, Lot 20 (43.1 acres), owned by D. Bisbee (Request of Stamski & McNary, Inc.)**

**Discussion of disposition of easements on Ice Pond Road subdivision and Aberdeen Drive common driveway**

**Town Counsel review of Nitsch engineering services contract**

Acting Chair Hengeveld called the meeting to order at 7:35 p.m. Members Abend, Epstein, Reid and Tice were present. Also present were Planning Administrator George Mansfield and David Ives of *The Mosquito*. LaLiberte arrived later.

Epstein left to represent the Planning Board at a Selectmen's meeting to discuss Town Counsel issues.

### **Introduction and welcome of new Board members**

Hengeveld congratulated Kate Reid on her election and welcomed her to the Planning Board. Hengeveld stated that Reid was not yet sworn in and would be unable to vote at tonight's meeting. She also noted that Dan Holzman had been elected to fill the other Planning Board position, but was not in attendance this evening.

The **minutes** of April 27, 1998 were reviewed. One addition was made to clarify the time of Abend's arrival. Tice **moved to accept the minutes as amended**. Abend seconded and the minutes were accepted 3-0.

Regarding **budget** items, Tice recommended the purchase of new name plates for board members. Board members concurred. The Board also agreed to pay \$60 to send the two new board members and the PB secretary to a workshop entitled "Introduction to the State Zoning Act."

Tice asked Mansfield if an end of the year transfer would be necessary. Mansfield said it could be discussed at the next meeting.

Upcoming meetings were tentatively scheduled for June 8 and June 22 at 7:30 p.m.

### **Review of draft decision and endorsement of plans: Stearns Street (Malcolm Meadows) - Amendment to Special Permit for Senior Residential Open Space Community, Northwest Structures, Inc., applicant**

Members of the public present were Bill Reeder of Stearns St., Thomas Rice of Hutchins Rd. and Marjorie Getchell of West St.

The Board reviewed the May 4, 1998 letter from Steven Graham regarding issues discussed at the previous meeting. Hengeveld asked if the issue of the condition of the gravel parking lot should be presented to Gary Davis of the DPW. Mansfield explained that maintenance of this lot will actually be the responsibility of Cons. Com., who would provide direction to the DPW.

Tice **moved to accept the draft decision and endorse the site plans for Malcolm Meadows as referenced in the decision**. Abend seconded and the motion carried 3-0.

Bill Reeder presented a citizens' petition asking that the sidewalk be removed from the plans. Ten property owners had signed including all current residents. He argued that the sidewalk reduces the street width to sixteen feet. A sidewalk is also more difficult and costly to maintain. The Board explained that amending the plans would require another public hearing. Peabody may be amenable to this if sidewalk installation costs exceed public hearing costs. Mansfield was asked to call Peabody and discuss this issue with him.

*(LaLiberte arrived.)*

**Review of draft denial decision: Kimball Road, Lot 39 - Special Permit for Common Driveway (to serve Lots 28B, 39A, 40 and 41), Tall Pines Realty Trust, applicant**

Hengeveld recused herself from this discussion and Tice presided. There were no changes made and Abend moved to approve the Decision on Special Permit for Common Driveway for Tall Pines Realty Trust & John Swanson, Kimball Road, Lots 28B, 39A, 40 & 41 dated April 27, 1998. LaLiberte seconded and the motion carried 3-0.

**Discussion of strategy with regard to pending litigation, Valchuis et al. v Planning Board**

Present for this discussion were property owners Dick Wells and Jack Schultz of Berry Corner Lane and Bert Williams of Marblehead, MA. The litigants and their representatives were not present.

Mansfield presented the plans submitted by Bill McNary. The plans show Berry Corner Lane as it currently exists with the addition of the proposed T-turnaround on the Valchuis' property. The Board asked the property owners to describe the nature of the agreement made between the Valchuis brothers and the property owners. Wells explained that the Valchuis brothers were granted the right to access their property via Berry Corner Lane if they were given approval to build a one family home. LaLiberte asked for clarification of the term "Berry Corner Lane." It was unclear if this meant the 16 foot wide gravel way or the 40 foot wide right of way indicated on the plans. Mansfield explained that on the assessors map, the lane is shown as a separate two acre parcel jointly owned by the four abutters. Jack Schultz further explained that Berry Corner Lane is a 40 foot wide right-of-way which includes utility and telephone easements. The actual gravel roadway is an average of 16 feet wide. If the Valchuis brothers are granted access they will contribute one sixth of the maintenance costs and taxes.

LaLiberte noted that in previous discussions with the Valchuis brothers, they had offered to make improvements to the roadway. LaLiberte thought this would be an asset to the land owners as well as the Town. Wells said that in 1970 they had sought to bring the lane up to code, but the developers had then finished the project and the PB was left without leverage. Schultz and Wells stated that the current property owners find the lane aesthetically pleasing and are against roadway improvements.

*(Epstein returns from the Selectmen's meeting.)*

The Board expressed concern over the current condition of Berry Corner Lane and felt that even though it is not a common driveway, it should meet these minimum standards. Abend said that turnouts are usually required every 300 ft., but the Valchuses had stated that the existing driveways serve as turnouts. Schultz said he would like to see turnouts every 300 ft. He noted that the original 16 foot roadway constructed by Deck House has deteriorated so that at some points the roadway is only 14 feet wide. Wells stated that this type of construction activity would necessarily occur on his property and couldn't proceed without his permission. LaLiberte countered that the Valchuses would incur the cost of improving the roadway to bring it up to current standards.

Abend suggested that roadway improvements could be made a condition of the ANR approval, thereby forcing the applicant to approach the property owners. Schultz and Wells agreed this would be a satisfactory procedure. A site walk was then scheduled for Wednesday, May 20 at 6:30 p.m. with a raindate of May 21.

Burt Williams explained that he is interested in purchasing the property at the end of Berry Corner Lane and asked if there were plans to enlarge the cul-de-sac. The Board thought this was unlikely, but made no guarantees.

**Discussion of "informal conceptual plan" for subdivision of land located on Concord Street, Map 4, Lot 20 (43.1 acres), owned by D. Bisbee (Request of Stamski & McNary, Inc.)**

Representing the applicant were Joe March of Stamski & McNary, and Bruce Wheeler of Habitech. Also present were Judy Lane of Concord St., Marjorie Getchell of West St., Ken Hart of Estabrook Rd., Steve Tobin of Partridge Ln., Greg Peterson of Indian Hill Rd. and Kent and Jackie Meehan of Lowell Rd., Concord.

March explained that the 43.1 acre property is located on Concord St. approximately 300 feet from the town line. The property is completely wooded with no steep grades. The plans showed wetlands which were delineated by a botanist. March proposed a loop road with 15 lots. Most lots were approximately 2 acres with the exception of one 7 acre lot and one 4 acre lot. Each lot has had 2 deep hole tests and perc tests will be conducted in the summer. The plan, as proposed would require approximately 3000 square feet of wetland fill.

Epstein asked if the open space requirement, as outlined in the new rules and regs. had been met. March said he hadn't completely familiarized himself with the new rules and regs., but would be willing to comply. March added that he is unaware of any existing trails on this property. Epstein also asked March to review the new rules and regs. and demonstrate how the plans would further the goals of Carlisle's Master Plan.

Greg Peterson asked what the drainage impact to Concord Road would be. March explained that the existing catch basins will be sufficient, but may require cleaning. He will be required to demonstrate that there will be no impact on drainage.

Judy Lane said she would like to preserve the view from the road and also see a pathway linking to the trail to Spencer Brook Reservation. Abend mentioned that the Bicycle and Pedestrian Safety Comm. is also looking for easements. Epstein noted that there are provisions for these issues in the rules and regs.

Ken Hart showed a conservation land map and suggested possible trails to Estabrook Woods.

Peterson asked when a preliminary plan would be presented. March said that they don't anticipate any problems with soil testing and hope to have plans before the testing is completed.

Judy Lane asked that these plans be forwarded to Cons.Com. so that they might also review them at this early stage of development.

March asked if a traffic study would be necessary. Abend said that with this plan, the Board's primary concern will be sight distances along Concord Road. March then asked if a landscaping plan would be necessary. The Board explained that it would like to see any cut and fill requirements and the preservation trees. Abend asked March to discuss this plan with Kent and Jackie Meehan who own the adjacent parcel of land. He suggested that a stub road might be created to allow access if they should wish to develop the property.

#### **Report from Selectmen's meeting regarding retention of Town Counsel**

Epstein reported that discussion focused mainly on the May 5th memo from the Planning Board drafted by then chair, Susan Yanofsky. Selectmen Stevenson and Ballantine have formed a working group to assess the options of hiring town counsel. They will report back to the Selectmen by June 24. It was suggested that the Planning Board be allowed to obtain its own counsel. Leonard Kopelman, of Kopelman and Paige, supported the proposal stating that other Towns often hire separate counsel for their land use boards.

#### **Discussion of disposition of easements on Ice Pond Road subdivision and Aberdeen Drive common driveway**

Mansfield explained that former chair Yanofsky had offered to draft a memo to the Selectmen to clarify the Planning Board's position on this issue in the wake of discussions at Town Meeting. She had been unable to draft the memo in time for tonight's meeting.

Judy Lane of the Trails Committee explained that the Town had given the owner the right to develop this conservation cluster in exchange for conservation land and a trail easement. The common driveway, however, was not laid out according to the plans and the trail is now in a swamp and is inaccessible. Mansfield stated that the situation is further complicated because there are no copies of signed plans for this common driveway in the file. Lane said that the owners of this common driveway will not allow access along their common driveway.

Mansfield noted that the trail easement does not show on the subdivision plan, but is on the common driveway plan. Unfortunately, the easement is in an inaccessible area. He explained further that there is no control over this issue since the 7 lots have all been sold and occupied. The PA is collecting documentation on this issue for Cons. Com. and for a landowner on Aberdeen Drive. The Board asked for a copy of this information. Hengeveld noted that on June 4th there will be a meeting between the trails committee and the landowners. The PB is also invited to attend.

#### **Town Counsel review of Nitsch engineering services contract**

The Board agreed that Town Counsel's comments should be presented to Judith Nitsch Engineering, Inc. If Nitsch is unwilling to amend the contract as recommended in the letter, the Board agreed to contract with another engineer.

Members were reminded that Planning Board structure and representation to other Town committees will be discussed at the next meeting on Tuesday, May 26 at 7:30 p.m.

At 10:20 Tice **moved to adjourn.** Abend seconded the motion and it was approved 5-0.

Respectfully submitted,



Anja M. Stam  
Recording Secretary